

HIGHLIGHTS FROM MISSOURI'S METHAMPHETAMINE SUMMIT

October 6, 1997

Jefferson City, Missouri

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Office of the Governor



Missouri Department of
Public Safety

SUMMARY

Methamphetamine use and production is quickly becoming the number one crime problem in the state of Missouri. Law enforcement officials are expecting to seize over 400 clandestine meth labs by the end of 1997. It has proved to be a major contributing factor in vehicle accidents, emergency room visits, fires and environmental damage.

Methamphetamine is a stimulant that is produced by a readily accessible recipe which includes products such as paint thinner, battery acid, drain cleaner and over-the-counter cold medications. Meth, also known as "crank" or "ice", can be snorted, injected, swallowed or smoked and is an extremely addictive drug. It is fast becoming the drug of the nineties because it is cheaper than cocaine and can produce a high that can last up to 12 or 14 hours. The drug becomes the most important thing in the user's life, more important than family, jobs and even eating. Meth often causes the user to be irrational, violent, paranoid and dangerous.

The ingredients used to produce methamphetamine are very volatile and cause the labs to be highly explosive. The by-products from the production process are toxic and create a hazardous waste cleanup problem.

Missouri has become the ideal production state for several reasons. Missouri is known to be a rural state and this is a feature that comes in handy to the producers who are setting up clandestine labs and feel they have a better chance of not being discovered in these rural areas. Missouri is also a central location for transporting the drugs by either air, water or roads.

These alarming facts about the methamphetamine problem, are the reasons that Governor Mel Carnahan and the Missouri Department of Public Safety, called a one-day conference in Jefferson City on October 6, 1997, to discuss this issue. Over 125 law enforcement officials, and local, state and federal authorities gathered together to share information and ideas on the best way to coordinate efforts to fight this problem.

The following information are the ideas, thoughts and facts that were presented at this summit.

Morning Session

Opening Remarks

- Mr. Gary Kempker, Director, Missouri Department of Public Safety
See Addendum #1.
- Governor Mel Carnahan
See Addendum #2.
- Ms. Claire McCaskill, Jackson County Prosecutor
See Addendum #3.
- Mr. Steve Hill, U.S. Attorney, Western District
See Addendum #4.
- Mr. Ed Dowd, U.S. Attorney, Eastern District
See Addendum #5.
- Mr. Jay Nixon, Attorney General
See Addendum #6.
- Joseph J. Corcoran, DEA, Special Agent in Charge
See Addendum #7.

Federal Perspective on Meth Problem

- Joseph J. Corcoran, DEA, Special Agent in Charge
See Addendum #7.

NCAP/HIDTA Overview

- Marco Tapia, Program Specialist, MO Department of Public Safety
See Addendum #8.

Afternoon Panels

DRUG TASK FORCE PANEL

Moderator: Marco Tapia, Program Specialist, MO Dept of Public Safety

Mike Shanahan, Jackson County Drug Task Force:

Problems:

- Methamphetamine investigations should be a cooperative effort.
- Traditional means of investigation does not apply. The M.O. for Missouri methamphetamine production is the small production lab, capable of producing ounces instead of pounds. This type of production is commonly referred to as the “mom and pop” operation. In order to solve investigations, it is a must to have information from all law-enforcement.
- Task Force- lack of communication with other investigative services. Must have coordination of information.
- Pro-active approach to law enforcement education. Educate Police Officers in what to look for. Get the community involved. Expand awareness.
- Penalties associated with Methamphetamine. Stiffer penalties, either don’t set bond or increase the bond.
- The Key is Coordination of Information.

Terri McWilliams, North Central Drug Task Force:

Problems:

- Slow response time and low funding in rural areas.
- Each Methamphetamine lab requires 12-16 hours of manpower, which can be rather costly.
- There should be mandatory sentencing for meth offenders with juveniles in the home where meth production is taking place.
- Education should be made available for fire departments, ambulance drivers, Division of Family Services, juvenile officers, and professionals.
- There is a need for an increase in community involvement.

Kevin Glaser, Southeast Missouri Drug Task Force:

- Mr. Glaser works in a rural area.
- There should be stiffer penalties for methamphetamine manufacturers and distributors.
- There should be an effort to educate business and residential communities.
- The goal should be to make things uncomfortable for those involved in the manufacturing of methamphetamine, known as “cookers”.
- Cookers learn from investigations. Therefore, they learn how to vary how they cook and what they use as ingredients. This makes investigations harder.

Timm Rousset, Combined Ozark Multi-Jurisdictional Enforcement Team:

- C.O.M.E.T. investigative team can't find time to do proactive work. They only have time to react to labs found by other agencies, rather than investigating suspected labs.
- We should stop the repeat offenders – swift and sure.
- There needs to be a push to develop guidelines (federal or state) for officers to follow when investigating a lab.
- An additional penalty should be enforced when children are involved.

Question and Answer:

- Educate- juvenile officers, DFS, etc.
- Partnership with community and law enforcement.
- Educate judges on the risks of the labs and what exactly is involved in the manufacturing. Let them know why it's so important to prosecute manufacturing efforts even if no drugs are found.
- Fighting Methamphetamine labs is a big job, and it requires total cooperation between all parties involved.

LEGISLATIVE SESSION

Moderator: Chief Robert Lowery, Florissant Police Department

Ed Dowd, US Attorney, Eastern District:

- The proposed federal legislation titled Methamphetamine Control Act of 1997 does not appear likely to pass. They are currently working on a more workable piece of legislation.

Sam Bertolet, Assistant US Attorney, Eastern District :

- There should be a three-year floor on punishment if prosecutor can't prove the amount produced by the cooker.

Rich Callahan, Cole County Prosecuting Attorney:

- New statutes should be developed, for instance, one that addresses manufacturers when amounts produced can't be proven.
- Some judges are being trained about the dangers and risks of Methamphetamine labs.

David Baker, Chief Trial Assistant in Drug Unit in Jackson County Prosecutors Office:

Specific Proposals could include-

20 grams – trafficking is a B felony
60 grams – trafficking is an A felony

20 grams – sale is a B felony
60 grams – sale is an A felony (without a chance of probation or parole)

Proposing lowering the amount of Methamphetamine that must be present for manufacturers.

A felony- for attempt to manufacture

B felony- for possession of precursor chemicals

Lower amount of grams needed for all felony charges.

Captain James Keathley, Missouri State Highway Patrol:

- House Bill 608- didn't pass last session but could be a vehicle for this year.
- Looking into how other states are punishing the Methamphetamine criminals
Class A felony for booby traps.
2nd degree murder for any death that occurs because of a meth lab.

David Walkup, DEA:

See Addendum 9.

TRAINING SESSION

Moderator: Major Mike Pace, Missouri State Highway Patrol

Captain James Keathley, Missouri State Highway Patrol:

- Held 32 training sessions (highway patrol) on Methamphetamine lab awareness.
- Training is important.
 - Peripheral training (people with contact of homes with possible labs).
 - Community training (how to report, what to look for, etc.).

Al Wilson, DEA:

- Created a 17 minute public awareness video.
- Developed a 2-4 hour block of instruction aimed at firefighters and police officers.
- There should be standardized training directed specifically at law enforcement.
- DEA is in the process of developing a Methamphetamine enforcement poster as a reminder to the officers including the do's and don'ts, etc.

Sergeant Jim Wingo, Missouri State Highway Patrol:

- Conducts training in his department. Strongly suggests training for all parties involved.
- Stresses that caution should be used when teaching the community. Some people might abuse the knowledge that they are given.

Bill Farr, State Fire Marshall, Missouri Division of Fire Safety:

- Does training and Division of Fire Safety has developed student books, a train-the-trainer seminar, a video, and other training tools.
- Trained a little over 800 people.
- Teach volunteer fire fighters what to look for as evidence of a Methamphetamine lab present.

- There should be an ongoing awareness of the safety and health problems associated with Methamphetamine labs.
- Division of Fire Safety is joining with the DEA and the Highway Patrol to create a training session (Clandestine Lab Training).

Jim Wilson, Missouri Division of Fire Safety:

- It is hard to keep up with Methamphetamine and the variations of it.
- Some things that exist now didn't exist when his department created the training books and videos.
- Because of the push for cooperative investigating, law enforcement, firefighters, and EMS should receive training.
- There should be hazardous materials awareness and stresses the importance of following all procedures, even decontamination.

PROTOCOL/HAZMAT SESSION

Moderator: Gary Kempker, Director, MO Dept. of Public Safety

Marshall Fischer, DEA, Laboratory Coordinator:

- Officer Safety – it is unsafe when there is a lack of knowledge of the situation.
- All agencies should call DEA first to let them know about the lab for safety reasons and so they can respond in a timely manner.

Warren Wiedemann, Missouri State Highway Patrol:

- Safety should come first.
- Education is needed for rural law enforcement.

Dennis Wichern, DEA, St. Louis:

- Lab clean-up is costly (3-5,000 dollars per lab).
- The DEA spent nearly 1.5 million dollars on clean-up alone last year.

Joseph Bowdish, Missouri Department of Natural Resources - EER:

- DNR is taking a pro-active stance by providing assistance and training their complaint officers that might encounter a Methamphetamine lab while investigating a chemical spill or contamination.
- Solutions for costly disposal – Temporary Storage Collection Stations that will store up to 2200 pounds before it has to be contracted out to a hazardous waste disposal service.
- DNR-EER is coming up with ways that are safe to dispose of the chemicals so there is less cost for the DEA. (Sending a Chemist that can neutralize the acids and bases, etc.)

Additional reference information attached.

- Attachment #1: Document discussing the Cosponser the Speed Trafficking Life in Prison Act of 1997.
- Attachment #2: A Bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to strengthen the ability of the Federal Government to combat trafficking in, and the production and abuse of, méthamphetamine, and for other purposes.
- Attachment #3: Notice: Over-the-counter drug products are being seized at clandestine méthamphetamine laboratories.

Addendum #1

METHAMPHETAMINE SUMMIT

OCTOBER 6, 1997

Speaker: Gary Kempker

Methamphetamine Issues Facing Missouri

Role of the Missouri Department of Missouri Department of Public Safety

- Our role is to support and assist law enforcement agencies and other groups in successfully fulfilling their missions.
- Our strongest contribution is in developing and facilitating Partnerships and Communication.
- Your presence here furthers that partnership approach to combat Methamphetamine abuse and production.
- We represent a tremendous potential effort. Collectively we can maximize our efforts.
- This is not just a law enforcement problem – A law enforcement response by itself would not be successful.

Our Mission

- Reduce the criminal activity and violence associated with and related to Methamphetamine.
- Measurably reduce and disrupt the importation, distribution and clandestine manufacturing of Methamphetamine.
- Mobilize and coordinate available federal, state, and local resources to enhance statewide efforts.
- Enhance the health and safety of all Missourians.

Reduce the criminal activity and violence associated with and related to Methamphetamine.

- Develop and implement a statewide counter drug strategy.
- Encourage a cooperative partnership between federal, state, and local law enforcement.
- Enhance law enforcement, forensic laboratory capabilities and prosecution efforts.
- Continued drug education/awareness programs.
- Community mobilization.

Measurably reduce and disrupt the importation, distribution and clandestine manufacturing of Methamphetamine.

- Further develop the multi-jurisdictional, multi-agency task force concept.
- Implement a statewide information-sharing network.
- Coordinate the counter drug efforts of federal, state, and local programs.
- Incorporate federal and state resources toward a single counter drug strategy.

Mobilize and coordinate available federal, state, and local resources to enhance statewide efforts.

- Continue financial assistance to counter drug efforts through the Narcotics Control Assistance Program and the High Intensity Drug Trafficking Area Program, and other programs.
- Make available specialized investigative equipment, training and technical assistance, through the law enforcement equipment program.
- Enhance federal and state clandestine lab cleanup procedures.

Enhance the health and safety of all Missourians.

- Community based awareness programs.
- Partnership between environmental, social services, law enforcement professionals, and the private sector.
- State advisory committee of health care, education, environmental, law enforcement and community leaders.
- Public service announcements relating to Methamphetamine and its related hazards.

Addendum #2



OFFICE OF THE GOVERNOR

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MEL CARNAHAN
GOVERNOR

ROOM 216
STATE CAPITOL
65101

Statement from Gov. Carnahan Re: Methamphetamine Summit

October 6, 1997

As you are aware, we recently announced the appointment of our new State Highway Patrol Superintendent, Weldon Wilhoit. I mention this event because the interviews that I conducted with patrol officers seeking that position truly drove home to me the seriousness of the problem we have gathered to discuss today.

When asked to identify the Number One crime problem facing Missouri, every person we interviewed for this top Patrol position said, without hesitation, methamphetamines. Certainly, "meth" is a major drug problem everywhere because of its attractiveness to the user. It is cheaper than cocaine. It has significantly longer lasting effects. And it can be taken in a variety of ways—smoked, snorted, or injected.

Tragically, this "easy high" to those immersed in the drug culture masks devastating effects. The drug is highly addictive, and its side effects of insomnia, nausea, sweating, and hypertension can lead to mental confusion and anxiety, psychotic behavior, and in many cases, severe cardiovascular damage and death.

"Meth" has been shown to be a contributing factor in crimes, car crashes, and fires due to explosions and hazardous waste. Methamphetamine is also popular with the drug traffickers who sell it because it is so easy to produce. "Meth" does not require huge growing fields or sophisticated technology. It can be cooked up by anyone in makeshift labs hidden in isolated homes, farms, and hotel rooms. The recipe is passed generously from person to person and can even be obtained on the Internet.

Is it any wonder methamphetamines have become the "crack" of the Nineties? However, our concern must be why it has reached such epidemic proportions in Missouri. Survey information reveals the majority of "meth" sold in Missouri is processed, produced, and distributed locally.

Projections indicate that by the end of this year, Missouri arrests related to "meth" will increase over 197 percent. In 1992, only three hidden "meth" labs were shut down in our state. By this year's end, it is estimated we will have seized at least 415 labs.

In addition to the serious substance abuse side of this problem, these clandestine labs also offer their own hazards. Many of them explode and endanger the lives of innocent family members, neighbors, and children.

Law enforcement officers have been seriously injured from the fumes of the chemicals used at these labs. So with all the danger associated with the use and production of this substance, why is Missouri becoming a "Meth Mecca?"

Why is the Show-Me State showing the nation such an ugly side? One reason is the rural nature of Missouri. Clandestine "meth" labs have a better chance of never being discovered in these areas. That is why the northeast, north central, southeast, and southwest regions of our state have been flooded with these small operations.

Jackson County is also dealing with a clandestine lab problem, but the actual drug trafficking organizations seem to be operating out of Kansas City, St. Louis, and Springfield. The other major attraction for "meth" operations in Missouri is our location. We are the approximate geographic center for the United States with tremendous transportation access to all parts of the nation. We have a major network of primary transportation routes with three east-west interstates and three north-south interstates. We have international airports in Kansas City and St. Louis that between them convey ten million passengers a year to outside destinations.

St. Louis and Kansas City are also major ground transportation hubs to both coasts. And we have two major river systems where "meth" can be shuttled—the Mississippi and Missouri. Because Missouri is such an alluring environment for metamphetamine manufacturing and trafficking, we are determined to concentrate as many resources as we can to cleaning up the problem.

Increased statewide awareness and greater cooperation between members of the community and law enforcement agencies are helping with that effort. Citizen mobilization groups are making real progress in taking back their neighborhoods.

Improved law enforcement training that is "meth" specific is making a difference. Stricter controls of precursor chemicals is reducing the ability to produce large quantities of "meth." And we have a major counter drug program in place with 28 active Multi-Jurisdictional Drug Task Forces in operation.

The group dynamics of the unsavory class of criminals that we are dealing with also helps our efforts. Their greed and territorial wars make them an easier target to infiltrate and expose. What we need now is an overall strategy for dealing with the problem, and that is the reason for our summit today.

We wanted to bring members of all law enforcement agencies together—federal, state, and local—so they would have the opportunity to share information and successful approaches to addressing this critical Missouri problem. Thank you for agreeing to be a part of these discussions.

I know your valuable input will help us in planning a unified plan for stopping the production and sale of this insidious substance.

Addendum #3

— Claire McCaskill

"Clearly we have a problem, but it appears that in some ways we are a victim of our own hard work. I believe the detection efforts underway in Jackson County, and across the State of Missouri, are setting a standard which is prompting other states to take notice, leading me to believe our problem is not necessarily any worse than neighboring states, or other states in the region."

"A total commitment on the part of law enforcement to curb the meth problem is only as good as our commitment to raise the penalties for those using meth and dealing in its trade. It is time to align the penalties of the drug with those of other drugs such as crack cocaine."

"Not to minimize the tremendous help provided by federal authorities in many of our meth operations, but what has become clear is that the key to stopping meth comes from the commitment made by law enforcement at the local level. Those making the drug are not beholden to national drug kingpins for their trade, their set ups tend to be locally owned as well as locally operated."

Addendum #4

**Meth Summit
October 6, 1997**

Remarks by Stephen L. Hill, Jr., U.S. Attorney, Western District of Missouri

Hill began his remarks by thanking Governor Carnahan and Director Kempker for organizing the summit and providing critical leadership on coordination among local, state and federal law enforcement in fighting methamphetamine.

Hill then outlined the challenge facing the community, specifically law enforcement, in fighting clandestine meth labs. Using photographs taken in a Gladstone, Missouri meth lab seized by local, state and federal officials, Hill outlined the challenges facing law enforcement in busting such labs. Hill identified methamphetamine as a triple killer in that it is dangerous when it is made and taken and has an extraordinarily devastating impact on the local environment and economy. Hill called for a priority in targeting the people manufacturing methamphetamine and said it was time for a "Us v. Them" approach.

Hill concluded his remarks by identifying two trends that were taking place in Missouri in addition to the extraordinary growth in clandestine labs throughout the state. Hill observed that the drug use, possession and manufacture was moving into the teenage culture and that Mexican international drug cartels had begun supplying Missouri.

Addendum #5

Ed Dowd, U.S. Attorney, Eastern District

- Methamphetamines have an addiction rate of 80 percent, comparable with that of crack cocaine.
- Law Enforcement Officials have an absolute duty to educate young people...even middle aged people...about the problem.
- Americans have a tremendous job to do in education and we need to do it right now.
- While 9 percent of marijuana users and 16 percent of alcohol users become addicted, 80 percent of people who smoke meth become addicted. You don't get away with smoking it once.

Addendum #6

1

October 6, 1997

Meth Summit

Remarks by Missouri Attorney General Jay Nixon

I appreciate the opportunity to be with you today. You are on the front line in the battle against one of the biggest drug waves to hit our state in recent history. The success of our battle depends on the united efforts of those here today.

Already, Missouri has been aggressive — raids on meth labs rose from 50 in 95 to 245 last year. (As you have heard) we expect to double that figure this year.

We have spent \$1 million in Missouri to clean up environmental hazards caused by this dangerous drug —

We have strengthened our laws to cover a growing number of chemical ingredients used to manufacture meth — and we will continue to add to that list.

We have hired chemists to work in our labs to establish the evidence we need — We have taken unique approaches to cut the production off at every level.

Jackson County Prosecutor Claire McCaskill leads the country in her effort to go after those in the stores who knowingly sell over-the-counter drugs in bulk for the purpose of making meth.

She is correct to take this aggressive and successful strategy to move up the production chain — to make everyone involved in the production of the deadly drug liable.

We have been aggressive, but we will do more. This is an expensive problem — and it is a deadly drug.

Our job is to stop it and we will be successful.

However, it does us no good to risk your life in a raid.... to take aggressive action on an arrest.... to have the best investigators and lab technician on hand to establish the evidence.... if our court system is not equipped to handle this unique challenge.

The dramatic rise in meth arrests is one reason I am proposing the establishment of drug courts throughout this state.

We must have a system in place that prevents meth producers and other drug dealers from walking into court, posting bond and returning to the streets — or in this case the country roads and rural hamlets — to create another meth lab while they are awaiting trial.

Drug courts give a priority to these type of cases — recognizing the ability of drug dealers to make bond no matter how high it is set. Drug courts also deal effectively with rehabilitation efforts.

In fact, for those first time offenders and others who are in a position to be rehabilitated, drug courts have proven to be one of the most effective tools to ensure completion of drug rehab programs...

There is nothing like the threat of a prison sentence hanging over you to make certain you complete the program.

When you consider the cost of housing a prisoner — \$1,000 a month in Missouri — \$1,900 a month in federal prisons — it becomes apparent that it is a worthwhile investment to work to effectively treat those who can be rehabilitated — and to take quick decisive action against those who need immediate incarceration.

I will be proposing new laws in Missouri this legislative session to establish drug courts throughout the state. This is one more action we can take to support you in this essential battle.

We will remain aggressive in our prosecutions. Already we have served as special prosecutors around the state on meth cases and we have been successful in getting substantial prison time. In addition, we are involved in a number of meth related capital murder cases.

We stand ready to assist you in the court rooms and the legislative halls to win the battle against this dangerous and deadly drug.

Addendum #7

Joseph Corcoran, DEA, Special Agent in Charge

Background Statistics

At the same time, DEA was developing information on some very disturbing national trends. Our agents and intelligence analysts became aware of increasing incidents of abuse and trafficking of methamphetamine all across the country, an alarming change to what had once been largely perceived as a West Coast problem.

For example, DAWN statistics revealed that meth-related hospital episodes were skyrocketing. From 1990 to 1995, they more than tripled.

Also startling was the fact that similar statistics were being compiled in America's heartland: in the 18-month period from January 1993 to June 1994, Oklahoma City witnessed 14 meth-related deaths. In the next 12 months, the number rose to 36, an increase of over 250%. Similar stories were being repeated across the country.

In Arkansas, meth-related investigations rose from 543 in 1988 to over 2,000 in 1995.

In the Des Moines area of Iowa, the number of methamphetamine-related arrests actually surpassed drunk driving arrests. Think about the impact this would have on your community. In fact, 80% of Iowa's drug investigations were meth-related in 1995. The majority of domestic violence is meth related.

Based on these findings, we understood that methamphetamine was fast becoming a national problem, and a national approach was needed. As a result, a little over a year ago, DEA sponsored a National Methamphetamine Conference in Washington, D.C., the first of its kind.

Danger and Violence

Meth production is an extremely hazardous undertaking because it involves mixing potentially volatile chemicals. This was clearly demonstrated last September when a fiery explosion destroyed a meth lab in Blairstown, Missouri, killing one and wounding another. In addition to precursor chemicals, automatic weapons were also discovered at the site.

Make no mistake; the chemicals used in meth labs also pose a serious danger to law enforcement personnel as well, especially when officers are required to enter these clan labs, sometimes unknowingly. A secondary and more insidious threat to police officers posed by clan lab operators are the booby traps deployed to injure or kill.

In addition to the dangers posed by meth production, there is an even greater danger to society from the criminals involved in meth trafficking. Modern day meth traffickers are proving to be an especially violent breed of criminals. For example, in San Diego, 26 murders were committed in 1993 during a 6-month period when a turf battle broke out between members of the Mexico-based Organization and local drug gangs for control of the illegal ephedrine market.

A more recent example occurred in Iowa on February 15, 1996, when the Cedar Rapids Police Department arrested two individuals on meth-related charges. One of the defendants was armed and a primary suspect in the drive-by shooting at a Muscatine, Iowa, police officer's home. This defendant was a member of the Latin Street Gang. Follow up investigations linked this seizure to a criminal organization in Southern California with direct ties to organized crime groups from Michoacan, Mexico.

Also in California, fresh evidence of the violence associated with meth occurred last January, when a meth-crazed gunman tragically shot dead two Riverside Sheriff's deputies in an unprovoked frenzy.

And for us in DEA, methamphetamine violence has also taken on a personal meaning. In 1994 we lost a promising young agent, Richard Fass, when he was murdered during an undercover methamphetamine investigation in Glendale, AZ.

Here in the Heartland

At the same time, here in Missouri we have seen a proliferation of what are described as small "mom & pop" clan labs. These makeshift, often crude labs yield comparatively small amounts of meth (from several ounces to a few pounds per cycle), but their spread reflects an increasing effort to exploit the expanding market for the drug. And they too are now pumping meth into your communities in growing numbers. We have hard evidence on the wholesale expansion of these small local labs. In Missouri for example, where DEA has been working closely with state and local law enforcement, clan lab seizures have risen from only 12 in 1994 to a noteworthy 236 in 1996.

Tragically, many once-peaceful Midwest communities are now absorbing the terrible brunt of the methamphetamine damage.

DEA's Response

Methamphetamine trafficking and abuse, once a regional problem in the Southwest, has now become a serious national situation, and meth is now considered equal with heroin and cocaine.

Addendum #8

METHAMPHETAMINE SUMMIT

October 6, 1997

Speaker: Marco Tapia

Narcotics Control Assistance Program (NCAP) and High Intensity Drug Trafficking Area (HIDTA)

NCAP Objectives

- Improving the criminal justice system's ability to deal with drug and violent crime.
- Comprehensive, multi-disciplinary programs that include community.
- Enhancing community policing.
- Focusing on adjudication issues (courts, prosecution, and defense).
- Implementing a corrections options program.
- Promoting the goals of the National Drug Control Strategy.
- Reduce drug-related crime and violence.
- Comprehensive drug prevention and early intervention program.

HIDTA Objectives (Office of National Drug Control Policy)

- Educate and enable America's youth to reject illegal drugs, as well as alcohol and tobacco.
- Increase the safety of America's citizens.
- Reduce health and social cost.
- Shield America's air, sea, and frontiers.
- Break foreign and domestic drug sources of supply.

NCAP Program Areas

- Multi-jurisdictional Drug Task Forces.
- Drug Abuse Resistance Education (DARE).
- Community Oriented Policing.
- Career Criminal Prosecution.
- Court Delay Reduction.
- Residential Substance Abuse Treatment.
- Intensive Supervision (P&P).

- Crime Laboratory Upgrade Program (NCAP).
- Missouri Crime Laboratory Upgrade Program (MCLUP).
- Crime Laboratory Assistance Program (CLAP).
- Criminal Records Improvement Program.
- Department of Corrections – Cameron Facility.
- Department of Defense – Logistical Support.

HIDTA Program Areas

- Missouri Rural Initiative.
- State Highway Patrol Initiative.
- State Laboratory Enhancement Initiative.
- Special Assistant U.S. Attorneys (SAUSA).
- Demand Reduction Initiative.

Multi-Jurisdictional Drug Task Forces

Provide financial support and technical assistance needed to maintain an aggressive counter drug strategy through multi-jurisdictional drug task forces.

1995	1996	1997
\$3,555,420.00	\$3,993,566.00	\$5,084,447.00

Increase federal, state, and local partnerships in the multi-jurisdictional, multi-agency counter drug concept. Decrease in the number of drug task force operations indicates an increasing level of inter-agency cooperation.

1995	1996	1997
26	26	24

By decreasing the total number of Multi-jurisdictional Drug Task Forces, the NCAP program is witnessing an increase in inter-agency cooperation and an increase in the overall area of operation for each task force.

Increase Methamphetamine related investigative efforts.

	1996	1997
Investigations	3,305	4,959
Arrest	2,172	4,413
Methamphetamine labs seized	543	750

Drug Abuse Resistance Education (D.A.R.E.)

Increase the number of Missouri youth exposed to the Drug Abuse Resistance Education (D.A.R.E.) project.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
State	\$253,261.00	\$341,920.00	\$341,920.00
Local	\$566,586.00	\$749,983.00	\$941,028.00
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Total	\$819,847.00	\$1,091,903.00	\$941,028.00

Number of Students

<u>1995</u>	<u>1996</u>	<u>1997</u>
89,226	93,897	106,680

Number of Officers Certified

<u>1995</u>	<u>1996</u>	<u>1997</u>
89	113	120

From 1990 to 1997, 741 officers have become certified DARE instructors through the Missouri State Highway Patrols, DARE Training Center.

Community Oriented Policing

Maintain the funding mechanism for Community Oriented Policing programs and community based drug awareness programs statewide. By continuing this funding category, an increased partnership between law enforcement and community will develop.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
State	\$350,395.00	\$1,325,769.00	\$177,340.00
Local	\$332,322.00	\$435,338.00	\$445,870.00
<hr/>			
Total	\$682,717.00	\$1,761,107.00	\$623,210.00

Career Criminal Prosecution

Enhance the prosecutorial function of local units of government through the continued NCAP funding category of Career Criminal Prosecution. This funding category is a statewide competitive process with only one applicant/one award each year.

<u>1995</u>	<u>1996</u>	<u>1997</u>
\$40,00.00	\$32,403.00	\$32,404.00

Court Delay Reduction

Continue the enhancement of the Court Delay Reduction program that is designed to reduce the length of time involved in the drug related judicial process. This program area involves the utilization of the Drug Court system to alleviate judicial backlogs.

<u>1996</u>	<u>1997</u>
\$34,197	\$59,925

Residential Substance Abuse Treatment

Increase the number of incarcerated persons involved in the Residential Substance Abuse Treatment program for state prisoners, through the Department of Corrections.

	<u>1996</u>	<u>1997</u>
	\$463,272.00	\$529,231.00
Prisoners served	1,044	1,084

Intensive Supervision

Increase the number of medium to high risk drug related and violent offenders involved in the Intensive Supervision funding category managed by the Missouri Division of Probation and Parole, Missouri is able to explore alternatives to prison over-crowding and the high cost of incarceration. This program entails the electronic monitoring of individuals on house arrest and the Intensive Supervision of moderate to high-risk individuals.

Funding Level	<u>1996</u>	<u>1997</u>
	\$1,166,838.00	\$1,146,741.00
Electronic Monitoring	3,051*	3,096*
Intensive Supervision	3,560*	3,900*

* Number of individuals involved in the Probation and Parole program. No data is available on other programs in this funding category.

Crime Laboratory Upgrade Program

Continue the Crime Laboratory Upgrade Program which provides analytical support to criminal justice agencies throughout the state. Through this program, regional crime labs are able to obtain the equipment and sustain personnel cost, which allows them to provide state of the art laboratory services to the criminal justice function.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
State	\$22,064.00	\$0.00	\$342,296.00
Local	\$335,099.00	\$235,416.00	\$1,026,889.00
Total	\$357,163.00	\$235,416.00	\$1,369,185.00

Federally funded Laboratory Upgrade Programs

Crime Laboratory Assistance Program (CLAP)
& Missouri Crime Laboratory Upgrade Program (MCLUP)

Continue the enhancement of two state funded programs, the Crime Laboratory Assistance Program (CLAP) and the Missouri Crime Laboratory Upgrade Program (MCLUP) through state level funding allocations. Through these programs, regional crime laboratories are able to obtain the equipment and sustain personnel cost, which allows them to provide state of the art laboratory services to the criminal justice function.

	<u>1996</u>	<u>1997</u>
CLAP	\$124,998.00	\$234,998.00
MCLUP	\$238,000.00	\$250,000.00

State funded Laboratory Upgrade Programs

Criminal Records Improvement Program (CRI)

Continued financial assistance for the enhancement of the Criminal Records Improvement program (CRI). The funding for this program represents 5% of the total federal award to the state of Missouri for the corresponding fiscal year. Missouri's ability to collect and track information on drug and violent offenders and to maintain a comprehensive records system is greatly enhanced through this funding category.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
State	\$731,201.00	\$468,666.00	\$739,360.00

Department of Corrections – Cameron Facility

Provide the funding mechanism to update Missouri's ability to incarcerate drug and violent offenders through the Department of Corrections – Cameron Facility Project. By enhancing Missouri's ability to remove violent offenders from the mainstream population, we promote safety issues relating to a safer Missouri.

1997
\$646,285.00

1,500 Bed Facility

Department of Defense – Logistical Support Program (DOD)

The DOD program allows for the reutilization of surplus military equipment to state and local law enforcement agencies with a counter drug mission.

- Some Examples
- 25 helicopters
 - 4 fixed wing aircraft
 - 275 motorized vehicles
 - 5 watercraft
 - \$3 million in personal clothing items
 - audio/video equipment
 - protective gear
 - specialized surveillance equipment

To better understand the scope of the DOD program, the Department of Defense has assigned a dollar amount to the surplus military equipment provided to state and local law enforcement.

	<u>1994</u>	<u>1995</u>	<u>1996</u>
DOD	\$6,468,607.00	\$4,018,470.91	\$2,569,673.45
# of items	33,113	15,194	15,116

Missouri High Intensity Drug Trafficking Area Program (HIDTA)

The Missouri HIDTA is a counter drug funding mechanism, distributed through the Office of the National Drug Control Policy in Washington, D.C. The Missouri HIDTA has a Methamphetamine Specific counter drug mission. The Missouri HIDTA has provided additional federal money to a five state region, including Missouri for the enhanced investigation and prosecution of methamphetamine related offenses. The mission of the Missouri HIDTA has greatly enhanced the overall counter drug mission of the Missouri NCAP through aggressive multi-agency investigations, forensic laboratory enhancement and the prosecution of drug offenders. The HIDTA was initiated to keep pace with the growing methamphetamine problem in the Midwest and most importantly, Missouri.

The Missouri HIDTA consists of five (5) interrelated initiatives, working in concert to achieve the goals and objectives established by the Office of the National Drug Control Policy (ONDCP). The goals and objectives of the Missouri HIDTA are closely related to the goals and objectives of the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program which is the funding source for the Missouri NCAP. With the Coordinated management of each program, great strides can be made in the overall counter drug efforts of Missouri.

	<u>1997</u>	<u>1998</u>
Missouri Rural Initiative	\$748,397.00	\$732,711.00
State Highway Patrol Initiative	\$355,230.00	\$336,247.00
State Lab Enhancement Initiative	\$190,920.00	\$182,218.00
Special Assistant U.S. Attorney's	\$231,000.00	\$423,000.00
Demand Reduction Initiative		\$50,000.00
Missouri HIDTA Initiative	\$1,525,547.00	\$1,724,176.00

Recap

Following is a recap of grant monies managed by the Missouri Department of Public Safety – Office of the Director, Narcotics Control Assistance Program and the Missouri HIDTA.

Narcotics Control Assistance Program (NCAP)
High Intensity Drug Trafficking Area (HIDTA)
Department of Defense – Logistical Support Program (DOD)

	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
NCAP		\$8,414,595	\$8,360,503	\$11,585,091	
Match		\$3,349,396	\$3,257,922	\$4,176,171	
Total		\$11,763,991	\$11,618,425	\$15,761,262	
<hr/> HIDTA				\$1,525,547	\$1,709,175
<hr/>					
DOD	\$6,468,607	\$4,018,470.91	\$2,569,673.45		
# of items	33,113	15,194	15,116		

Addendum #9

Excerpts from David Walkup's presentation at the Missouri Meth Summit 10/6/97:

Clandestine laboratories throughout the state are dependant upon an uninterrupted supply of methamphetamine chemicals. Ten years ago the clandestine laboratory problem in the United States was primarily on the west coast, and precursors were purchased in bulk quantities from "rogue" chemical suppliers.

In 1988 the U.S. Congress passed the first piece of domestic legislation that regulated the chemical industry. It was called the Chemical Diversion and Trafficking Act of 1988 (CDTA). Its main focus was on record keeping and reporting for imports and exports and certain domestic transactions involving bulk distributions. **A major loophole was created in this legislation which exempted from record keeping and reporting the distribution of Listed Chemicals contained in O.T.C. drug products.** Within months after passage of the CDTA law enforcement authorities encountered ephedrine tablets in clandestine methamphetamine laboratories in Southern California.

In 1993 Congress removed the exemption for single-entity ephedrine tablets through the passage of the Domestic Chemical Diversion and Trafficking Act (DCDCA). This legislation also implemented a DEA registration requirement for the first time on chemical distributors. Record keeping and reporting was imposed on domestic transactions of ephedrine at the previously established 1 kg threshold quantity. This did little to stop the diversion of ephedrine tablets to clandestine methamphetamine laboratories, because 1kg of ephedrine equals approximately 48,000 ephedrine 20 mg tablets. It was not until 4/16/94 when DEA reduced the threshold for ephedrine to zero, that any effect was made on the diversion problem.

In response to the DEA action traffickers merely switched to ephedrine-combination products and pseudoephedrine tablets. Although totally different drugs, ephedrine and pseudoephedrine can be used interchangeably in the clandestine production of methamphetamine. As expected the diversion of pseudoephedrine remains a major problem in the state.

In 1996 Congress passed the Methamphetamine Control Act. It removed the exemption for records and reports for ephedrine-combination products effective 10/3/96. Similar controls for pseudoephedrine drug products were postponed until 10/3/97.

On 10/7/97 DEA will publish regulations in the Federal Register which implement the chemical controls imposed by the Methamphetamine Control Act of 1996.

It is imperative that law enforcement authorities throughout the state include a balanced approach to combating the methamphetamine problem. Not only must our efforts be focused on the arrest and conviction of the clan lab operators, but we also need to make effective use of chemical control initiatives and aggressively target and immobilize "rogue" chemical suppliers. These suppliers include convenience stores and liquor stores who divert countless cases of pseudoephedrine tablets under the guise of legitimate business.

REMEMBER: Without the chemicals there would be no clandestine laboratories!!

COMMITTEE ON BANKING
SUBCOMMITTEE
CAPITAL MARKETS, SECURITIES, AND
GOVERNMENTAL AFFAIRS, AND
FINANCIAL AND COMMUNITY DEVELOPMENT

COMMITTEE ON SCIENCE
SUBCOMMITTEE
BASE TECHNOLOGY



Congress of the United States
House of Representatives

Attachment # 1
COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT
SUBCOMMITTEE
VICE CHAIRMAN,
GOVERNMENT MANAGEMENT,
INFORMATION AND TECHNOLOGY
CIVIL SERVICE
POSTAL SERVICE

COSPONSOR THE SPEED TRAFFICKING LIFE IN PRISON ACT OF 1997

"I urge every American to commit themselves to the goal of beginning the 21st Century on January 1, 2001 in a virtually drug-free America, to get back to the level of drug use in 1960 when very few people were using drugs."

Newt Gingrich
Speaker

Dear Colleague:

The Speaker has committed to a real war against drugs - a new movement away from the increased drug use that has plagued our country in the last few years. There is no question that drug use is rising at an alarming rate. We should do something about it!

Last year, Congress passed the Methamphetamine Control Act of 1997. In that effort, many sought to increase the penalties associated with the use, distribution, importation, and manufacture of methamphetamine. They thought that an appropriate penalty for those involved in the manufacture of methamphetamine was a minimum of life in prison. No such provision made it into the final legislation.

Methamphetamine, just like all the other drugs, is a cancer on our society.

- ★ In 1994, there were over 700 methamphetamine-related deaths in the United States.
- ★ In several cities, meth-related deaths are up over 50 percent in just the past three years.
- ★ In 1995 alone, the Drug Enforcement Administration seized 241 methamphetamine laboratories.

Methamphetamine is easier to manufacture in the United States because its precursor chemicals are more readily available. If the penalties for the manufacture of this killer drug do not deter its production within our borders, how can we stop its rising use. We should make the punishment severe enough to push it out of America's cities and towns.

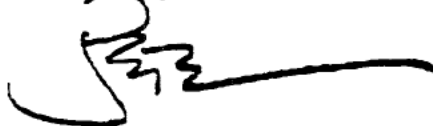
It is important to note that the danger from those chemicals used in the manufacture of methamphetamine is immense. They are highly flammable and explosive, and cause extensive damage to law enforcement, fire fighters, and the environment. We must give law enforcement the tools to deal with this epidemic efficiently by getting these drug thugs off our streets. I believe that those involved in the manufacture and distribution of methamphetamine should spend the rest of their life in prison!

Today, if you are caught with 100 or more grams of methamphetamine, and you are considered to have manufactured or possessed with the intent to distribute methamphetamine, there is a mandatory minimum sentence of not less than 10 years and not more than life in prison. I believe that, if convicted of the manufacture or distribution of methamphetamine, these merchants of death should be subject to the minimum mandatory sentence of life in prison. That's why I've drafted the Speed Trafficking Life in Prison Act of 1997. Only with this strong deterrent can we prevent the wholesale manufacture of this killer drug within our borders. Please join me in cosponsoring this important legislation.

~~important legislation~~

If you have any questions regarding the Speed Trafficking Life in Prison Act of 1997, please contact my Legislative Director, Robert Shea, at 202.226.8422, at Robert.Shea@mail.house.gov, or speak with me directly.

Sincerely,

A handwritten signature in black ink, appearing to be "Pete Sessions", with a long horizontal flourish extending to the right.

Pete Sessions
Member of Congress

AUG-04-1997 14:14
JUL-31-1997 14:25

CONGRESSMAN PETE SESSIONS
CONGRESSMAN PETE SESSIONS

202 225 5878 P.23/25
202 225 5878 P.23/25

H.L.C.

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105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. SESSIONS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Controlled Substances Act to provide a manda-
tory life penalty for certain offenses involving meth-
amphetamine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Speed Trafficking Life
5 in Prison Act of 1997".

6 **SEC. 2. MANDATORY LIFE PENALTY FOR CERTAIN METH-**
7 **AMPHETAMINE OFFENSES.**

8 (a) IN GENERAL.—Section 401 of the Controlled
9 Substances Act (21 U.S.C. 841) is amended—

July 30, 1997 (9:54 a.m.)

R=98%

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07-31-97 01:06PM 2003-222

DEA CONG AFF

09/30/97 14:59 202 225 5878

1 (1) by striking clause (viii) of subsection

2 (b)(1)(A);

3 (2) by striking clause (viii) of subsection

4 (b)(1)(B); and

5 (3) by adding at the end of subsection (b) the
6 following:

7 "(h) Whoever engages in a violation of subsection (a)
8 involving methamphetamine, its salts, isomers, or salts of
9 its isomers shall be fined not more than \$8,000,000 (if
10 an individual) or \$20,000,000 (if other than an individual)
11 and shall be imprisoned for life, unless the death penalty
12 is imposed."

13 (b) CONFORMING AMENDMENTS.—

14 (1) CIVIL PENALTY.—Section 405(a) of the
15 Controlled Substances Act (21 U.S.C. 844a) is
16 amended by inserting "or described in section
17 401(h)," after "401(b)(1)(A)".

18 (2) CONTINUING CRIMINAL ENTERPRISE.—Sec-
19 tion 408 of the Controlled Substances Act (21
20 U.S.C. 848) is amended—

21 (A) in subsection (b)(2)(A), by inserting
22 "a substance described in section 401(h) or"
23 after "involved";

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- 1 (B) in subsection (b)(2)(B), by inserting
- 2 "a substance described in section 401(h) or"
- 3 after "distribution of"; and
- 4 (C) in subsection (e)(1)(A), by inserting
- 5 "section 841(h)," after "punishable under".

July 30, 1997 (854 a.m.)

2-000

202 225 5879

TOTAL P.25
TOTAL P.05

DEA CONG AFF

09/30/97 15:00 202 307 5512

2006

105TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To amend the Controlled Substances Act and the Controlled
Substances Import and Export Act to strengthen the
ability of the Federal Government to combat trafficking
in, and the production and abuse of, methamphetamine,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Methamphetamine
5 Control Act of 1997".

1 SEC. 2. METHAMPHETAMINE PENALTY INCREASES.

2 (a) CONTROLLED SUBSTANCES ACT.—Section
3 401(b)(1) of the Controlled Substances Act (21 U.S.C.
4 841(b)(1)) is amended—

5 (1) in subparagraph (A)(viii)—

6 (A) by striking “100 grams” and inserting
7 “50 grams”; and

8 (B) by striking “1 kilogram” and inserting
9 “500 grams”; and

10 (2) in subparagraph (B)(viii)—

11 (A) by striking “10 grams” and inserting
12 “5 grams”; and

13 (B) by striking “100 grams” and inserting
14 “50 grams”.

15 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
16 ACT.—Section 1010(b) of the Controlled Substances Im-
17 port and Export Act (21 U.S.C. 960(b)) is amended—

18 (1) in paragraph (1)(H)—

19 (A) by striking “100 grams” and inserting
20 “50 grams”; and

21 (B) by striking “1 kilogram” and inserting
22 “500 grams”; and

23 (2) in paragraph (2)(H)—

24 (A) by striking “10 grams” and inserting
25 “5 grams”; and

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1 (B) by striking "100 grams" and inserting
2 "50 grams".

3 **SEC. 8. PENALTY INCREASES FOR TRAFFICKING IN REGU-**
4 **LATED CHEMICALS.**

5 (a) **CONTROLLED SUBSTANCES ACT.**—Section
6 401(d) of the Controlled Substances Act (21 U.S.C.
7 841(d)) is amended by inserting before the period at the
8 end the following: ", or, with respect to a violation of para-
9 graph (1) or (2) involving a list I chemical, if the Govern-
10 ment proves that the quantity of controlled substance that
11 could reasonably have been manufactured in a clandestine
12 setting using the quantity of list I chemicals possessed or
13 distributed, the penalty corresponding to the quantity of
14 controlled substance that could have been produced under
15 subsection (b)".

16 (b) **CONTROLLED SUBSTANCES IMPORT AND EXPORT**
17 **ACT.**—Section 1010(d) of the Controlled Substance Im-
18 port and Export Act (21 U.S.C. 960(d)) is amended by
19 inserting before the period at the end the following: ", or,
20 with respect to an importation violation of paragraph (1)
21 or (3) of this subsection involving a list I chemical, if the
22 Government proves that the quantity of controlled sub-
23 stance that could reasonable have been manufactured in
24 a clandestine setting using the quantity of list I chemicals
25 imported, the penalty corresponding to the quantity of

1 controlled substance that could have been produced under
2 subchapter I".

3 **SEC. 4. INCREASED PENALTY FOR BOOBYTRAPS ON FED-**
4 **ERAL PROPERTY.**

5 Section 401(e) of the Controlled Substances Act (21
6 U.S.C. 841(e)) is amended—

7 (1) in paragraph (1), by inserting "not less
8 than 2 years and" before "not more than 10 years";
9 and

10 (2) in paragraph (2), by inserting "not less
11 than 5 years and" before "not more than 20 years".

12 **SEC. 5. PENALTIES FOR DANGEROUS HANDLING OF LISTED**
13 **CHEMICALS.**

14 (a) **IN GENERAL.**—Part D of the Controlled Sub-
15 stances Act (21 U.S.C. 841 et seq.) is amended by adding
16 at the end the following:

17 **"§ 423. Dangerous handling of listed chemicals**

18 "(a) **OFFENSE.**—It is unlawful for a person to gen-
19 erate, transport, treat, store, dispose of, use, possess, dis-
20 tribute, import, or export a listed chemical, or the waste
21 from the use of such chemical, in the manufacture or at-
22 tempted manufacture of a controlled substance, or with
23 the knowledge or intent that such listed chemical will be
24 used in the illegal manufacture of a controlled substance,
25 including the clandestine laboratory setting—

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1 “(1) in violation of—

2 “(A) subsection (d) or (e) of section 3008
3 of the Solid Waste Disposal Act (42 U.S.C.
4 6928(d), 6928(e)) (relating to handling hazard-
5 ous waste in a manner inconsistent with Fed-
6 eral or applicable State law);

7 “(B) section 103(b) of the Comprehensive
8 Environmental Response, Compensation and Li-
9 ability Act (42 U.S.C. 9603(b)) (relating to fail-
10 ure to notify as to the release of a reportable
11 quantity of a hazardous substance);

12 “(C) section 301(a), 307(d), 309(c)(2),
13 309(c)(3), or 311(b)(3) of the Federal Water
14 Pollution Act (33 U.S.C. 1311(a), 1317(d),
15 1319(c)(2), 1319(c)(3), or 1321(b)(3)) (relating
16 to the unlawful discharge of pollutants or haz-
17 ardous substances and the operation of a source
18 in violation of a pretreatment standard); or

19 “(D) section 5124 of title 49, United
20 States Code (relating to violations of laws and
21 regulations enforced by the Department of
22 Transportation with respect to the transpor-
23 tation of hazardous material); or

24 “(2) in any manner posing an imminent danger
25 to the health and safety of another person, including

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1 any Federal, State, or local law enforcement officer
2 lawfully present at the site.

3 "(b) PENALTIES.—

4 "(1) IN GENERAL.—Any person who violates
5 this section—

6 "(A) shall be—

7 "(i) imprisoned not less than 2 and
8 not more than 4 years; and

9 "(ii) fined in accordance with title 18,
10 United States Code;

11 "(B) if the offense involves a violation of
12 section 3008(e) of the Solid Waste Disposal Act
13 (42 U.S.C. 6928(e)) or section 309(c)(2) of the
14 Federal Water Pollution Act (33 U.S.C.
15 1319(c)(3)), shall be—

16 "(i) imprisoned not less than 5 and
17 not more than 15 years; and

18 "(ii) fined in an amount equal to not
19 more than twice the maximum fine that
20 could be imposed under subparagraph (A);

21 "(C) if serious bodily injury or death re-
22 sults from the offense, shall be—

23 "(i) imprisoned not less than 10 and
24 not more than 15 years; and

1 “(ii) fined in an amount equal to not
2 more than twice the maximum fine that
3 could be imposed under subparagraph (A);

4 or

5 “(D) if the defendant committed the of-
6 fense after a prior conviction for an offense
7 under this section or for a felony drug offense,
8 shall be—

9 “(i) imprisoned for twice the maxi-
10 mum term of imprisonment otherwise ap-
11 plicable under subparagraph (A), (B), or
12 (C); and

13 “(ii) fined in an amount equal to
14 twice the maximum penalty otherwise ap-
15 plicable under subparagraph (A), (B), or
16 (C).

17 “(2) NO CONCURRENT SENTENCES.—Notwith-
18 standing any other provision of law, a term of im-
19 prisonment imposed under this subsection shall not
20 run concurrently with any other term of imprison-
21 ment, including that imposed for the manufacture or
22 attempted manufacture of controlled substances for
23 which listed chemicals were used in violation of this
24 section.

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1 “(3) EFFECT ON OTHER PROSECUTION.—Noth-
2 ing in this subsection shall be construed to prelude
3 prosecution under the provisions of law cited in sub-
4 paragraphs (A) through (D) of paragraph (1), or
5 under any other provision of law.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections for the Controlled Substances Act
8 is amended by inserting after the item relating to section
9 421 the following:

 “422. Drug paraphernalia.

 “423. Dangerous handling of listed chemicals.”.

10 **SEC. 6. SUSPENSION OF SUSPICIOUS TRANSACTIONS IN-**
11 **VOLVING LISTED CHEMICALS.**

12 Section 310 of the Controlled Substances Act (21
13 U.S.C. 830) is amended—

14 (1) in subsection (b)(1), by striking the penul-
15 timate sentence; and

16 (2) by adding at the end the following:

17 “(d) SUSPENSION OF SUSPICIOUS TRANSACTIONS.—

18 “(1) IN GENERAL.—If the Attorney General
19 furnishes to a regulated person the name or other
20 identifying characteristic of a person suspected of
21 handling listed chemicals in an unlawful manner, be-
22 fore completing a transaction with that identified
23 person, the regulated person shall notify the Attor-
24 ney General of the transaction in such time and in

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1 accordance with such procedures as the Attorney
2 General shall establish by regulation.

3 "(2) SUSPENSION.—

4 "(A) IN GENERAL.—If the Attorney Gen-
5 eral determines that there is a reasonable basis
6 to believe that a transaction involving a listed
7 chemical will facilitate the unlawful manufac-
8 ture of a listed chemical or controlled sub-
9 stance, the Attorney General—

10 "(i) may issue an order for the sus-
11 pension of that transaction; and

12 "(ii) shall provide written notice of
13 any order issued under clause (i), which
14 shall include the legal and factual basis for
15 the order, to each affected regulated per-
16 son.

17 "(B) EFFECT OF ORDER.—Upon the re-
18 ceipt of a written notice under subparagraph
19 (A)(ii), the regulated person shall not take any
20 action in furtherance of the transaction at
21 issue.

22 "(3) HEARING.—

23 "(A) IN GENERAL.—Upon written request
24 submitted to the Attorney General, any regu-
25 lated person to whom an order issued under

1 paragraph (2) applies shall be provided with an
2 agency hearing, on the record, in accordance
3 with subchapter II of chapter 5 of title 5, United
4 States Code.

5 “(B) EXPEDITED BASIS.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), any hearing under this
8 paragraph shall be conducted not later
9 than 45 days after the date on which the
10 written request is submitted to the Attor-
11 ney General under subparagraph (A).

12 “(ii) EXCEPTION.—A hearing under
13 this paragraph may be held after the date
14 described in clause (i) only upon the re-
15 quest of the regulated person.”.



NOTICE

OVER-THE-COUNTER (OTC) DRUG PRODUCTS ARE BEING SEIZED AT CLANDESTINE METHAMPHETAMINE LABORATORIES

Drug Enforcement Administration (DEA) Agents in the St. Louis Field Division and state/local law enforcement authorities in Missouri have reported an alarming number of clandestine methamphetamine laboratory seizures during 1996 and 1997. Jackson County was responsible for nearly half of all reported seizures in Missouri during 1996, and an equally significant amount in 1997. These illicit laboratories are largely dependent upon an uninterrupted supply of precursor chemicals. Pseudoephedrine has fast become the precursor of choice among clandestine laboratory operators in the state. In many situations, pseudoephedrine tablets are being purchased from local distributors and retail outlets for this purpose, as well as single-entity ephedrine and ephedrine combination products. Phenylpropanolamine drug products are also being diverted for the illicit manufacture of amphetamine.

This notice is being provided to area distributors and retail outlets through the DEA Kansas City District Office, the United States Attorney for the Western District of Missouri and the Jackson County Prosecutor's Office. All persons engaged in the distribution of these three products should be aware of the following information:

1. Pseudoephedrine, ephedrine, and phenylpropanolamine (PPA) are List I Chemicals under Federal law.
2. Pseudoephedrine, ephedrine and PPA drug products are also List I Chemicals, as defined by 21 U.S.C. 802.
3. Anyone who manufactures, imports, exports or distributes a listed chemical is considered a "regulated person" by definition of 21 U.S.C. 802.
4. "Any person who possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance, except as authorized by this title, shall be fined in accordance with Title 18, or imprisoned not more than 20 years, or both..." Title 21 U.S.C. 841 (d)(2).

All distributors of pseudoephedrine and PPA drug products are particularly reminded that Federal record keeping and reporting requirements became effective October 3, 1997 for threshold distributions. Distributors should also be aware that criminal liability under Title 21 U.S.C. 841 (d)(2), regarding the illicit distribution of a Listed Chemical, applies to all drug product packages (including blister-packs). We urge your cooperation in reducing the diversion of all these OTC drug products, and ask that you report any suspicious transactions to the DEA Kansas City District Office or state/local law enforcement authority.

